

REMARKS

Claims 1-17 are pending in the present application. Claims 11, 12, and 17 have been amended for clarity. Accordingly, claims 1-17 are presented for consideration by the Examiner in light of the following remarks.

In the Office Action mailed April 11, 2003, the Examiner rejected claims 1, 2, 6, 8, 11, and 12 under 35 U.S.C. §103(a) as being unpatentable over Sauer (U.S. Patent 6,049,543) in view of Bolon (U.S. Patent 5,822,420). Applicants respectfully traverse this rejection.

In the rejection, the Examiner contends that Sauer discloses a mobile switching center (MSC) connected to a base station subsystem (BCS and BTS) via an IS-634 A-interface. The Examiner states that Sauer fails to disclose detecting the occurrence of a condition whereby a mobile subscriber attempts to make a call while another party is attempting to call the same mobile subscriber and generating a message signal at a mobile switching center for transmitting to the mobile subscriber to the base station.

The Examiner then relies on Bolon for allegedly teaching a method for detecting the occurrence of a condition whereby a mobile subscriber attempts to make a call while another party is attempting to call the same mobile subscriber and generating a message signal at a switching center for transmitting to the mobile subscriber via a base station. The Examiner then concludes that it would have been obvious to apply a signaling protocol as disclosed by Bolton for detecting the occurrence of a condition whereby a mobile subscriber attempts to make a call while another party is attempting to call the same mobile subscriber and generating a message signal at a switching center for transmitting to the mobile subscriber via the base station into Sauer's communication system to notify the end points and correct the procedure for establishing a telephone call in a communication system.

Applicants respectfully submit that neither Sauer nor Bolon (either taken alone or in combination) teach to generate a message signal upon detection by a mobile switching center of a condition whereby a mobile subscriber attempts to originate a call while another party is attempting to call the mobile subscriber as is claimed in claims 1, 6, and 11 of the present invention. Bolon, on the other hand, discloses in col. 3, lines 3-15 (as cited by the Examiner) a condition where a Customers Premises Equipment (CPE) places an outgoing call when a

Network Interface Unit (NIU) sends the CPE an incoming call or a condition where the NIU places an incoming call to the CPE when a Radio Base Unit (RBU) is sending the CPE an outgoing call. Applicants respectfully submit that these conditions disclosed by Bolon are switching conflicts in a Digital Loop Carrier (DLC) and the resolution of switching conflicts in DLCs do not address the IS-634 requirements of a base station and mobile switching center (MSC) in a CDMA wireless communication system. Applicants respectfully submit that the CPE of Bolon is not a mobile device that adheres to an A-interface standard, and that Bolon's NIU is unrelated to a base station in a wireless communication system that adheres to IS-634 interface standards with a mobile station. The resolution of switching conflicts in DLCs do not overcome the deficiencies of IS-634 communications between the base stations and MSCs of a CDMA communication system that prevent a mobile from receiving a call while another party is attempting to call the same mobile subscriber. The protocol taught by Bolon to resolve switching conflicts in DLCs cannot be applied to the endpoints of a CDMA communication system to enable a mobile to receive a call when a mobile subscriber attempts to originate a call while another party is attempting to call the same mobile subscriber. Additionally, Applicants respectfully submit that the combination of Sauer and Bolon is improper due to the inapplicability of the switching conflicts in DLCs to that of the IS-634 requirements of the base station and MSCs of a CDMA system. Accordingly, for the reasons set forth above, Applicants respectfully submit that neither Sauer nor Bolon (either taken alone or in combination) teaches the claimed subject matter of claims 1, 6, and 11 of the present invention and all claims dependent thereon. Therefore, Applicants respectfully request withdrawal of the Sauer/Bolon rejection for the aforementioned reasons.

The Examiner further rejected claims 3-5, 7, 9, 10, 13, and 14 under 35 U.S.C. §103(a) as being unpatentable over Sauer in view of Bolon, and further in view of Vucetic (U.S. Patent 5,873,036). Applicants respectfully traverse this rejection.

In the rejection, the Examiner states that Sauer and Bolon do not explicitly recite that a service request message, page response message, paging signal and page message signal are Alert with Information Message Signals in the IS-634 interface. The Examiner then relies on Vucetic for teaching to transmit a service request message, page response message, and Alert with Information Message Signals. Applicants respectfully submit, however, that these claims

respectively depend from either claims 1, 6 or 11 of the present invention, and, therefore, include all of the limitations included therein. Because Vucetic does not make up for any of the aforementioned deficiencies noted with regard to claims 1, 6; and 11 above, Applicants submit that claims 3-5, 7, 9, 10, 13, and 14 are allowable thereover for at least the reasons set forth above.

Applicants appreciate the Examiner's indication of allowable subject matter by objecting to claims 15-17 of the present invention as being dependent upon a rejected base claim, but being allowable if rewritten in independent form.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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